

1728--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. ESPAILLAT, HOYLMAN, KRUEGER, MONTGOMERY, PERKINS, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act, the criminal procedure law and the domestic relations law, in relation to the duties of interpreters appointed by the courts in certain cases

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The family court act is amended by adding a new section 169
2 to read as follows:

3 S 169. INTERPRETATION OF ORDERS OF PROTECTION. WHERE AN INTERPRETER
4 HAS BEEN APPOINTED BY THE COURT TO ASSIST IN THE PROCEEDING BEFORE THE
5 COURT, THE COURT SHALL ALSO DIRECT SUCH INTERPRETER TO INTERPRET INTO
6 THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE THE INTERPRETER IS PRESENT
7 IN COURT, THE ESSENTIAL TERMS AND CONDITIONS THAT THE COURT SHALL CLEAR-
8 LY OUTLINE AND READ INTO THE RECORD, OF ANY ORDER OF PROTECTION OR
9 TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT UNDER ARTICLE THREE,
10 FOUR, FIVE, SIX, SEVEN, EIGHT OR TEN OF THIS ACT. SUCH INTERPRETATION
11 SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

12 S 2. Section 530.12 of the criminal procedure law is amended by adding
13 a new subdivision 5-a to read as follows:

14 5-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN
15 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-
16 PRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE
17 THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS
18 THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY
19 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE
2 VALIDITY OR ENFORCEABILITY OF THE ORDER.

3 S 3. Section 530.13 of the criminal procedure law is amended by adding
4 a new subdivision 4-a to read as follows:

5 4-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN
6 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH
7 INTERPRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD,
8 WHILE THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND
9 CONDITIONS THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE
10 RECORD, OF ANY ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION
11 ISSUED BY THE COURT PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL
12 NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.

13 S 4. Subdivision 3 of section 240 of the domestic relations law is
14 amended by adding a new paragraph a-1 to read as follows:

15 A-1. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN
16 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-
17 PRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE
18 THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS
19 THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY
20 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT
21 PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE
22 VALIDITY OR ENFORCEABILITY OF THE ORDER.

23 S 5. Section 252 of the domestic relations law is amended by adding a
24 new subdivision 1-a to read as follows:

25 1-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN
26 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-
27 PRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE
28 THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS
29 THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY
30 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT
31 PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE
32 VALIDITY OR ENFORCEABILITY OF THE ORDER.

33 S 6. This act shall take effect on the ninetieth day after it shall
34 have become a law and shall apply to orders of protection issued on or
35 after such effective date.